

REMARKS:

Applicant's attorney wishes to thank the Examiner for the careful attention given this case. The examiner has restricted the claims in the case to three distinct inventions (i.e. Groups I, II, and III) based on the argument that the inventions are physically and functionally distinct and are not required for one another. Applicant respectfully traverses the Restriction Requirement and requests reconsideration of this requirement in light of the remarks presented below. In order to be fully responsive, Applicant has elected with traverse the invention of Group I (i.e. Claims 1-7).

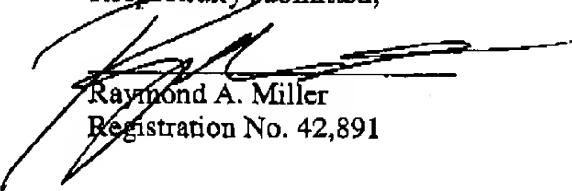
It is respectfully submitted that the examiner has inappropriately restricted the claims of the present application into a number of distinct inventions without consideration of relationship between the inventions. The inventions which the examiner has labeled as distinct are in fact related to each other; each correlates a change in the blood brain barrier ("BBB") permeability to a change in the level of S100 β protein. Specifically, Group I is directed to diagnosing blood brain permeability by comparing the levels S100 β protein; Group II is directed to a method of treating a patient after a therapeutic agent has caused an opening in the patient's blood brain barrier which includes detecting elevated levels S100 β protein; and Group III is directed to a method of diagnosing cancer which includes determining levels of S100 β protein.

Each of these groups of claims correlate BBB opening with S100 β protein. It is respectfully submitted that the search classifications for each group will substantially overlap. The Examiner will not be seriously burdened by searching and considering the inventions described in the restricted claims as they are all within the same art unit. Accordingly, the Examiner has not established a proper restriction requirement under MPEP §803, and it is respectfully submitted that the restriction requirement should be withdrawn. Upon withdrawal of

the restriction requirement, Applicant elects the species of pharmaceutical agent as the therapeutic agent in claim 11 and the neuropharmacological agent in claim 14.

It is respectfully submitted that the Application is now in condition for examination and allowance on the merits. Notice to such effect is respectfully requested.

Respectfully submitted,



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